

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

Thomas J. Prim,

Debtor.

Case No. 23-10256-AMC
Chapter 13

**Response to Defense Finance and Accounting Service's
Response to Debtor's Objection to Claim**

The Defense Finance and Accounting Service had adequate notice of the Debtor's bankruptcy case, even though the Debtor's schedules listed the address of DFAS's Indiana headquarters instead of its preferred address in Ohio. The certificates of service filed by the Bankruptcy Noticing Center show as much:

Original Chapter 7 Meeting of Creditors Notice (ECF No. 7)

14751931	EDI: DFAS.COM	Feb 01 2023 05:34:00	Defense Finance and Accounting Service, 8899 E 56th St, Indianapolis, IN 46249-0002
14751932	Hon. Jacqueline C. Romero, U.S. Attorney, Eastern District of Pa., 615 Chestnut St Ste 1250, Philadelphia, PA 19106-4404		
14751933	Hon. Merrick B. Garland, U.S. Department of Justice, 950 Pennsylvania Ave Nw, Washington, DC 20530-0009		

Chapter 7 Asset Notice with Claim Deadline (ECF No. 14)

14751931	EDI: DFAS.COM	Apr 15 2023 03:36:00	Defense Finance and Accounting Service, 8899 E 56th St, Indianapolis, IN 46249-0002
14751932	Hon. Jacqueline C. Romero, U.S. Attorney, Eastern District of Pa., 615 Chestnut St Ste 1250, Philadelphia, PA 19106-4404		
14751933	Hon. Merrick B. Garland, U.S. Department of Justice, 950 Pennsylvania Ave Nw, Washington, DC 20530-0009		

Chapter 13 Meeting of Creditors/Claim Deadline Notice (ECF No. 59)

14751931	EDI: DFAS.COM	Aug 08 2023 03:47:00	Defense Finance and Accounting Service, 8899 E 56th St, Indianapolis, IN 46249-0002
14751932	Hon. Jacqueline C. Romero, U.S. Attorney, Eastern District of Pa., 615 Chestnut St Ste 1250, Philadelphia, PA 19106-4404		
14751933	Hon. Merrick B. Garland, U.S. Department of Justice, 950 Pennsylvania Ave Nw, Washington, DC 20530-0009		

The certificates indicate that each notice was sent by the BNC to DFAS via electronic data interchange (EDI), a service that is configured upon request of a creditor. That means that DFAS received each notice, and that DFAS wanted to receive notice that way. DFAS fails to explain how service of the first two notices was

inadequate when it admits that it received the third notice, which was sent by the same means.


A party that denies receiving timely notice of a bankruptcy case has the burden of proving it. *In re Mazik*, 592 B.R. 812, 818 (Bankr. E.D. Pa. 2018). The record, as outlined above, shows substantial evidence that DFAS received actual and constructive notice of this case from the beginning. The only evidence presented by DFAS is a regulation showing its preferred address, which is not proof that notice was not actually or constructively received. Besides, when DFAS finally filed a proof of claim, it listed the Indiana address for service of notices.

3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent?
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Defense Finance and Accounting Service
	Name
	8899 E 56th St
	Indianapolis, IN 46249-0002

Because DFAS had notice of the bankruptcy case and has not met its burden of showing otherwise, the Court must sustain the Debtor's objection. Further, the Court must disregard DFAS's arguments about dischargeability because they are not relevant to this proceeding. The rules provide that such claims must be brought before the Court in an adversary proceeding, not here.

Date: June 23, 2024

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